

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
v. ) Case No. 1:07-CR-4  
CHRISTOPHER B. ERVIN )  
                            ) JUDGE COLLIER  
                            ) MAGISTRATE JUDGE LEE  
                            )

**O R D E R**

On April 23, 2007, U.S. Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant defendant Christopher B. Ervin’s (“Defendant”) motion to withdraw his not guilty plea to Count Three of the Indictment; (2) accept Defendant’s guilty plea to Count Three; (3) adjudicate Defendant guilty of the charges set forth in Count Three; (4) grant the Government’s motion to dismiss Counts One and Two of the Indictment; and (5) order Defendant remain in custody until sentencing in this matter (Court File No. 18). Neither party filed a timely objection to the report and recommendation.

After reviewing the record, the Court agrees with the magistrate judge’s report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Court File No. 18) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant’s motion to withdraw his not guilty plea to Count Three is **GRANTED**;
- (2) Defendant’s guilty plea to Count Three of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Three of the Indictment;
- (4) On motion of the Government, Counts One and Two of the Indictment are hereby

**DISMISSED WITHOUT PREJUDICE as to Defendant; and**

(5) Defendant **WILL REMAIN** in custody until sentencing, which is scheduled to take place on **July 26, 2007 at 2:00 p.m.** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER  
CHIEF UNITED STATES DISTRICT JUDGE**